

COURTS

The Defendant v. the Press

Many of the nation's editors and broadcasters balked last February when the American Bar Association recommended a tough code to limit the flow of information to reporters in criminal cases. Some agreed that there was a need to keep cases from being tried in the press, but the general feeling was that the committee that wrote the rules, headed by Massachusetts Justice Paul Reardon, had gone too far. CBS President Frank Stanton, for one, complained that the A.B.A. code was "strewn with land mines of coercion and booby traps of suppression."

Now, an even more august legal body has cleared the minefield a bit. The Judicial Conference of the U.S., an organization of federal judges, has just adopted its own recommendations, which attempt to discourage publicity that might influence a jury and result in an unfair trial but, unlike the A.B.A. code, do not attempt to define any standards for the news media or police working beyond the confines of the courtroom. Instead, they rely strictly on a judge's power to discipline those actually under his judicial supervision.

The new rules, worked out by a committee headed by U.S. Court of Appeals Judge Irving Kaufman of New York, call on judges to forbid bailiffs, clerks and other court personnel to give out information on a case unless it is part of the public record. They also urge that each court carefully define the "environs" of the courtroom where photographers and TV cameramen may not take pictures. Like the A.B.A. code, the federal rules would prohibit lawyers and prosecutors from divulging a confession or an accused man's past record, or making other statements that might result in an unfair trial. But the Kaufman rules do not include the three most controversial provisions of the A.B.A. code: 1) exclusion, under some circumstances, of newsmen from preliminary hearings and other hearings held outside the presence of the jury, 2) extension to policemen of the curbs covering lawyers, and 3) recommendation that judges bring contempt-of-court citations against newsmen who publish material "willfully designed" to influence a trial's outcome.

Call for Restraint. The press objected most strenuously to the last provision, which can be interpreted as giving powers of censorship to a judge. The Kaufman committee preferred not to include such a rule, since the U.S. Supreme Court has yet to decide whether or not judges have the right to use their contempt powers in this way. But the committee called on the news media to exercise self-restraint, "so that the courts will not have to consider the imposition of direct controls."

Editors, members of the bar and judg-



PRISONERS' DISPLAY AT COLORADO STATE FAIR

One escape would doom the program.

es in some states have already worked out their own local guidelines, but most are still looking for standards to apply in state courts. The Kaufman committee's recommendations are likely to become part of the rules in every federal court in the nation. They are also likely to have a big influence on the codes ultimately adopted in each state.

PRISONS

Crusading Cons

Many states tend to keep their criminals hidden away, but Colorado's are highly visible. During the past two years, teams of convicts from the state penitentiary at Canon City have been allowed to leave prison—each team with only one unarmed guard—to go on speaking tours throughout the state. As a result, Coloradans outside the walls are gaining an understanding of the convicts, and have begun to take an interest in their problems.

All the convict lecturers are from the maximum-security section of the penitentiary, and a few are bank robbers and murderers. Yet nobody has tried to escape so far. The men realize that one escape would doom the whole program, and they themselves choose the five four-man teams who go—with the approval of prison authorities. So far, the teams have traveled a total of more than 200,000 miles across the state and have spoken to some 750,000 Coloradans. Their message usually goes like this: "I'm on the road to nowhere. Don't follow me." They make prison life real for their audiences, leaving behind vivid impressions of bars, walls, guard towers and, above all, their own cipherlike existences.

Free Meals. The show is a hit. "We get blizzards of mail," says Prison Warden Wayne Patterson. "There's no short-

age of speaking invitations." So enthusiastic is the public that Denver area Kiwanians recently raised \$4,000 to provide the convicts with two station wagons. Some restaurants give them free meals, and a motel in Denver lets them stay overnight for nothing.

The self-help idea has spread to 600 other prisoners who have enrolled in service organizations that are part of Warden Patterson's rehabilitation program. Among the clubs is an authorized chapter of the Junior Chamber of Commerce, which this fall is sponsoring a charity football game between the prison team—the "Rockbusters"—and the semipro Colorado Colts. The proceeds will go to a parolees' halfway house and a judge's youth program. The convicts have become so respectable that last summer they were invited to the Colorado state fair where about 70 of them set up their own booth featuring prison products and a replica of a 6-ft. by 8-ft. cell.

Solid Achievements. They went home with a stack of business cards from people who were sufficiently impressed to offer to help get jobs for prisoners seeking parole (a man cannot get a parole unless he first has some assurance of a job). Such constructive energy is bringing solid achievements. A committee of the Colorado state legislature has just announced that it will soon propose two laws to help the convicts. One will reform parole procedures; the other will permit indeterminate sentences so that a prisoner can win an early release if he shows signs of rehabilitation. Warden Patterson says that it is too early to tell whether his program has really changed the inmates. But he does give the men credit for sincerity. "They believe that they are saving kids from a life of crime. And that begins to work at a prisoner's innards."